



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

April 14, 2023

Summary of Cases Accepted and Related Actions During Week of April 10, 2023

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#23-64 *People v. Alvarez*, S278726. (B317490; nonpublished opinion; Ventura County Superior Court; 2014023475.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Hardin*, S277487 (#23-1), which presents the following issue: Does Penal Code section 3051, subdivision (h), violate the Equal Protection Clause of the Fourteenth Amendment by excluding young adults sentenced to life without the possibility of parole from youth offender parole consideration, while young adults sentenced to parole-eligible terms are entitled to such consideration?

#23-65 *People v. Bolanos*, S278803. (F082970; 87 Cal.App.5th 1069; Madera County Superior Court; MCR063072.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Hardin*, S277487 (#23-1), which presents the following issue: Does Penal Code section 3051, subdivision (h), violate the Equal Protection Clause of the Fourteenth Amendment by excluding young adults sentenced to life without the possibility of parole from youth offender parole consideration, while young adults sentenced to parole-eligible terms are entitled to such consideration?; *In re Vaquera*, S258376 (#19-195), which presents the following issues: (1) Did the Court of Appeal err by disagreeing with *People v. Jimenez* (2019) 35 Cal.App.5th 373 and endorsing as mandatory the sentencing practice prohibited in that case? (2) Is the Court of Appeal's decision incorrect under *People v. Mancebo* (2002) 27 Cal.4th 735? (3) Did the Court of Appeal err by failing to address petitioner's claims as to the issues of waiver and estoppel?; and *People v. Williams*, S262229 (#20-189), which presents the following issue: Does Penal Code section 3051, subdivision (h), violate the equal protection clause of the Fourteenth Amendment by excluding young adults convicted and sentenced for serious sex crimes under the One

Strike law (Pen. Code, § 667.61) from youth offender parole consideration, while young adults convicted of first degree murder are entitled to such consideration?

#23-66 *People v. Johnson*, S278470. (B319217; nonpublished opinion; Los Angeles County Superior Court; BA485567.) Petition for review after the Court of Appeal affirmed an order revoking probation in a criminal matter.

#23-67 *People v. Mitchell*, S278841. (B316173; nonpublished opinion; Los Angeles County Superior Court; MA077145.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing deferred in *Johnson* and *Mitchell* pending decision in *People v. Mitchell*, S277314 (#22-305), which presents the following issue: Does Senate Bill No. 567 (Stats. 2021, ch. 731), which limits a trial court's discretion to impose upper term sentences, apply retroactively to defendants sentenced pursuant to stipulated plea agreements?

#23-68 *People v. Martinez*, S278977. (F082991; nonpublished opinion; Tulare County Superior Court; VCF347222.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Lynch*, S274942 (#22-217), which presents the following issue: What prejudice standard applies on appeal when determining whether a case should be remanded for resentencing in light of newly-enacted Senate Bill No. 567 (Stats. 2021, ch. 731)?

#23-69 *People v. Nagata*, S278992. (F082198; nonpublished opinion; Merced County Superior Court; 19CR-06497A.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses and remanded for further proceedings.

#23-70 *People v. Perez*, S278993. (F082400; nonpublished opinion; Merced County Superior Court; 19CR-06497D.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses and remanded for further proceedings.

#23-71 *People v. Olvera*, S278999. (F082428; nonpublished opinion; Merced County Superior Court; 19CR-06497C.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses and remanded for further proceedings.

The court ordered briefing in *Nagata*, *Perez*, and *Olvera* deferred pending decision in *People v. Burgos*, S274743 (#22-194), which presents the following issue: Does the provision of Penal Code section 1109 governing the bifurcation at trial of gang enhancements from the substantive offense or offenses apply retroactively to cases that are not yet final?

#23-72 *People v. Orellana*, S278797. (F082699; nonpublished opinion; Merced County Superior Court; 20CR-04944.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Salazar*, S275788 (#22-264), which presents the following issue: Did the Court of Appeal err by finding the record clearly indicates the trial court would not have imposed a low term sentence if it had been fully aware of its discretion under newly-added subdivision (b)(6) of Penal Code section 1170? (See *People v. Gutierrez* (2014) 58 Cal.4th 1354, 1391.)

#23-73 *People v. Ortiz*, S278894. (H049698; 87 Cal.App.5th 1087; Monterey County Superior Court; 21CR006264.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Walker*, S278309 (#23-50), which presents the following issue: Does the amendment to Penal Code section 1385, subdivision (c) that requires trial courts to “afford great weight” to enumerated mitigating circumstances (Stats. 2021, ch. 721) create a rebuttable presumption in favor of dismissing an enhancement unless the trial court finds dismissal would endanger public safety?

#23-74 *In re X.R.*, S278928. (B318808; nonpublished opinion; Los Angeles County Superior Court; 20CCJP05092A.) Petition for review after the Court of Appeal affirmed an order in a juvenile dependency proceeding. The court ordered briefing deferred pending decision in *In re Dezi C.*, S275578 (#22-254), which presents the following issue: What constitutes reversible error when a child welfare agency fails to make the statutorily required inquiry concerning a child’s potential Indian ancestry?

SEPARATE STATEMENTS ON DENIAL OF REVIEW

People v. Powell, S278631. (C094553; nonpublished opinion; Sacramento County Superior Court; 97F07150.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Delgadillo* (2022) 14 Cal.5th 216:

#22-100 <i>People v. De La Cruz</i>, S273490	(B312111; nonpublished opinion; Los Angeles County Superior Court; BA198877)
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#21-434 <i>People v. Thompson</i>, S269996	(B309117; nonpublished opinion; Los Angeles County Superior Court; NA091280)
#22-76 <i>People v. Tran</i>, S273198	(C094216; nonpublished opinion; Sacramento County Superior Court; 98F03454)
#22-106 <i>People v. Vaca</i>, S273597	(H047346; nonpublished opinion; Santa Clara County Superior Court; 199877)
#21-232 <i>People v. Vue</i>, S267376	(C092122; nonpublished order; Sacramento County Superior Court; 09F02572)
#21-233 <i>People v. Vue</i>, S267738	(C091988; nonpublished order; Sacramento County Superior Court; 98F09534)
#22-202 <i>People v. Walden</i>, S274938	(C093920; nonpublished opinion; Sacramento County Superior Court; 12F04876)
#22-15 <i>People v. Walker</i>, S272194	(B310712; nonpublished opinion; Los Angeles County Superior Court; BA222258)
#21-550 <i>People v. Williams</i>, S271491	(C092913; nonpublished opinion; Sacramento County Superior Court; 94F04063)
#21-549 <i>People v. Williams</i>, S271452	(C092951; nonpublished opinion; Sacramento County Superior Court; 10F03247)

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The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the

fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.